

REMARKS

This communication is in response to the Office Action dated January 13, 2004. Claim 1 has been amended and claims 13-15 have been added. After entry of this amendment, claims 1-9 and 13-15 are pending in the application. Claim 10 remains withdrawn. Reconsideration of the application as amended is respectfully requested.

Claims 1-4 and 7-9 stand rejected under 35 U.S.C. § 102(b) as anticipated by Andress et al. Andress et al. does not disclose or suggest the present invention as recited in amended claim 1. The present invention according to claim 1 requires a nesting structure provided at least in part on a portion of the base bottom panel and at least in part on the lid top panel. Claim 1 recites that the nesting structure is adapted for *registering* a portion of the lower side of the base with a portion of the lid top panel *both when the lid is in a standard lid orientation and when the lid is in an inverted lid orientation*. Amended Claim 1 further recites a perimeter terminating at a bottom edge, the top panel extending inwardly from the perimeter toward a center portion of the top panel, the top panel also having a first shoulder spaced inward from and around the perimeter and extending angularly downward relative to the top side, a first step extending inwardly from the first shoulder toward the center portion of the lid, a second shoulder extending angularly downward from the first step relative to the top side, and a recessed surface extending inwardly from the second shoulder forming the center portion of the top panel. Andress et al. does not anticipate, teach, or suggest a nesting structure wherein stacked base containers can be nested with one or more stacked lids in the standard lid orientation and in an inverted lid orientation or the specific lid geometry recited above. Further, Andress et al. fails to disclose or suggest the step and shoulder configuration required in amended claim 1.

The container assembly of Andress et al. teaches nesting of the lids 11 with the containers 12 only with the lids in an inverted orientation (see Fig. 20). Beginning at column 9, line 16, Andress et al. teaches that the bottom container 12b can sit upon two lids 11a, 11b. Andress et al. only shows a one step recessed surface in the lid. Furthermore, Andress et al. discloses that the lids nest and register only in the inverted orientation and not in the standard orientation with the base bottom. Andress et al. does not teach or suggest the nesting structure and lid configuration of claim 1. Reconsideration of the examiner's rejection with respect to claim 1 is respectfully requested. For similar reasons as discussed

above, because dependent claims 2-9 are submitted to be in condition for allowance, notice of which is requested.

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Andress et al. in view of DeMars. The DeMars reference fails to overcome the deficiencies of Andress et al. The combination of Andress et al. and Demars fails to disclose or suggest the present invention as recited in claims 5 and 6 in combination with claim 1 from which they depend. Reconsideration of the examiner's rejection is requested.

It is respectfully submitted this Amendment traverses and overcomes all of the objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims, and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of this present application can be expedited by way of an Examiner's amendment or further communication, the Examiner is invited to contact the applicant's attorney at the telephone number listed below.

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Respectfully submitted,

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